

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

VERITASEUM CAPITAL, LLC.

Plaintiff,

v.

COINBASE GLOBAL, INC.

Defendants.

Case No. 22-1253 (MN)

JURY TRIAL DEMANDED

CORRECTED

**PLAINTIFF’S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF
PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION TO DISMISS**

Pursuant to Rule 201 of the Federal Rules of Evidence, Plaintiff Veritaseum Capital, LLC (herein after “Plaintiff” or “Veritaseum”) hereby respectfully requests that, in connection with its Opposition to Defendant Coinbase Global, Inc.’s (hereinafter “Defendant” or “Coinbase”) Motion to Dismiss and served concurrently herewith, the Court take judicial notice of the documents attached hereto as Exhibits 1–6

Courts may take judicial notice of facts that are “not subject to reasonable dispute,” such as those that can be “accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2). Rule 201(d) provides that the court may take “judicial notice at any stage of the proceeding.” Under Rule 201(c)(2), a court “must take judicial notice if a party requests it and the court is supplied with the necessary information.”

Exhibits 1–5 are portions of the prosecution history of the ’566 Patent asserted in this case. The prosecution history is a public record that “consists of the complete record of the proceedings

before the [U.S. Patent and Trademark Office] and includes the prior art cited during the examination of the patent.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1317 (Fed. Cir. 2005).

Exhibit 6 is the Coinbase Dec. 31, 2021 10-K report as filed with the Securities and Exchange Commission (“SEC”) on December 31, 2021. “The Third Circuit permits a district court to judicially notice SEC filings and public disclosures. *In re NAHC, Inc. Sec. Litig.*, 306 F.3d at 1331 (affirming district court's decision to judicially notice documents "comprising Company SEC filings and press releases").

Courts “may take judicial notice of court filings and other matters of public record.” “The court may take judicial notice of matters of public record, including public documents.” *In re Chemed Corp., S'holder Derivative Litig.*, 2015 WL 9460118, at *1 n. 2 (D. Del. Dec. 23, 2015), *Koloni Reklam, Sanayi, Ticaret Ltd. v. Viacom, Inc.*, Civ. No. 16-285-SLR, at *2 n.1 (D. Del. Feb. 23, 2017).

Exhibits 1–6 are thus properly the subject of judicial notice. *See Old Reliable Wholesale, Inc. v. Cornell Corp.*, 635 F.3d 539, 549 (Fed. Cir. 2011). Accordingly, judicial notice of Exhibits 1-6 is hereby respectfully requested.

Respectfully submitted,
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